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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,285	08/18/2003	Satoshi Sakamaki	1259-0236P	2455
2292	7590	11/30/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/642,285

Applicant(s)

SAKAMAKI, SATOSHI

Examiner

Lee Fineman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Y1 and Y2.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: N1 and N2.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al., U.S. Patent No. 4,620,772.

Regarding claims 1-3, 6 and 10, Sugimoto et al. disclose a polarizing filter (column 3, line-67-column 4, line 8) comprising a polarizing film (column 3, lines 25-39); a first protective film adhered to one surface of said polarizing film (column 3, lines 43-62 and column 4, lines 3-8); and a second protective film adhered to another surface of said polarizing film (column 3, lines 43-62 and column 4, lines 3-8); wherein when M1 is a coefficient of expansion by water absorption of said first protective film in a direction of a light absorption axis of said polarizing filter and M2 is a coefficient of expansion by water absorption of said second protective film in a direction of a light absorption axis of said polarizing filter, then the coefficients of expansion M1 and M2 satisfy a formula;  $0.85 M1 < M2 < 1.20 M1$  (column 4, lines 3-8 and lines 44-48 in so far as when the difference between M1 and M2 (a difference of 0.00%) the condition is satisfied).

Although Sugimoto et al. disclose many examples of different protective films that can be used in the polarizing filter (column 3, lines 43-62), it is not explicitly stated that the first and second protective films are selected to be different in at least one of thickness, physical properties or materials. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select and use two different protective films from the examples provided by Sugimoto et al. to provide different characteristics like chemical resistance or optical transparency.

Regarding claims 4 and 6, Sugimoto et al. disclose the claimed invention except for the coefficients of expansion M1 and M2 being larger than 0.02 or the difference in thickness

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between said first and second protective films being more than  $2\mu\text{m}$  and less than  $100\mu\text{m}$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the coefficients of expansion M1 and M2 larger than 0.02 or have the thickness between said first and second protective films be more than  $2\mu\text{m}$  and less than  $100\mu\text{m}$ , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering an optimum value or working ranges involves only routine skill in the art. One would have been motivated to make the coefficients M1 and M2 larger than 0.02 or change the thickness of the films for the purpose of having particular moisture absorbing characteristics or a particularly sized filter, respectively. *In re Aller*, 220 F.2d 454, 456 105 USPQ 233, 235.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al. in view of Sata et al., Japanese Patent Publication No. JP 2002071955A.

Sugimoto et al. further disclose wherein said polarized film is polyvinylalcohol series (column 3, lines 29) and wherein said first and second protective films are adhered to said polarized film with an adhesive agent (column 4, lines 5-6). Sugimoto et al. disclose the claimed invention except for at least one of the protective films is cellulose acylate. Sata et al. teaches a protective film for a polarizing filter made from cellulose acylate (see sections [0010]-[0011] of machine translation). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one of the protective films be made from cellulose acylate to provide high durability to the polarizing filter.

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***Allowable Subject Matter***

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 has allowable subject matter over the prior art for at least the reason that the prior art fails to teach and/or suggest calculated coefficients of expansion M1 and M2 determined from the formula  $\{(L2-L1)/L1\} \times 100$  based on results from the first or second protective film cut into specific strip specimens and tested under the specific conditions as set forth in the claimed combination.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF  
November 15, 2004

  
MARK A. ROBINSON  
PRIMARY EXAMINER